

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Advanced Television Systems and	)	MB Docket No. 87-268
their Impact upon the Existing	)	
Television Broadcast Service	)	

To: Secretary, FCC  
For: The Commission

**COMMENTS IN RESPONSE TO PETITIONS FOR RECONSIDERATION  
OF DTV SEVENTH REPORT AND ORDER**

Koplar Communications International, Inc. ("Koplar"), by its counsel, hereby submits these comments in response to the Petitions for Reconsideration of the Seventh Report and Order in the above-referenced proceeding.<sup>1</sup> Koplar holds a Construction Permit purchased in Auction 64 (the "Construction Permit"), authorizing construction of a new broadcast television facility to serve the community of Osage Beach, Missouri on NTSC Channel 49, with the designated call sign KRBK(TV), Facility ID No. 166319 ("KRBK").<sup>2</sup>

As set forth in the attached Engineering Statement of John E. Hidle, P.E. of Carl T. Jones Corporation ("Engineering Statement"), KRBK has no separate digital channel allotment and thus has been allotted digital facilities on its analog Channel 49. However, neither Koplar nor any other "flash cut" singleton applicant has been directed to file for such digital facilities until the DTV Third Periodic Review Order has been issued, and until the Commission has resolved the matters raised in this proceeding.

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<sup>1</sup> See *Advanced Television Systems and their Impact Upon the Existing Broadcast Service, Seventh Report & Order and Eighth Further Notice of Proposed Rulemaking*, MB Docket No. 87-268, FCC 07-138 (rel. August 6, 2007) ("Seventh Report and Order").

<sup>2</sup> See FCC File No. BNPCT-20060421ACD (granted Aug. 11, 2006).

Koplar is proposing parameters that differ somewhat from those adopted for KRBK in the DTV Table proceeding. Specifically, for reasons that were heretofore unknown, Koplar has learned that approval from the Federal Aviation Administration (“FAA”) is now unobtainable for the transmitter site authorized in the Construction Permit. Therefore, new geographic coordinates are proposed, along with an increase in ERP. The HAAT and antenna ID number remain unchanged. As shown in the Engineering Statement, these proposed changes are fully acceptable under current 0.1% interference processing standards. Thus, no other broadcast facility would be harmfully impacted by Commission approval of Koplar’s proposal, including those proposed in the Petitions for Reconsideration in this proceeding.

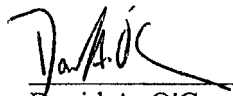
Importantly, Koplar could have requested these proposed parameters when it filed its initial FCC Form 301 auction Long Form, because the initial FCC Form 301 Long Form was not subject to the current TV/DTV filing freeze that has been in place since August 2004. Koplar did not do so because it had reasonable site assurance for the Construction Permit site. Now that it is apparent that, through no fault of Koplar’s, FAA approval for that site is unobtainable, Koplar respectfully requests leave to request the parameters proposed in the Engineering Statement. Koplar also requests that the proposal set forth herein, like the Long Form application, not be subject to the filing freeze. If this proposal is granted, Koplar intends to file a “checklist” FCC Form 301 application as contemplated in the DTV Third Periodic Review NPRM. In contrast, if this proposal is not accepted at this time, Koplar will need to file a non-checklist FCC Form 301 that proposes parameters at variance from the DTV Table of Allotments, and include a necessary request for waiver of the filing freeze, which will only serve to complicate the DTV transition and further burden the Commission’s scant administrative

resources. For these reasons, Koplar submits that a grant of this application will serve the public interest.

Koplar also submits that approval of this request will serve the public interest by advancing the Commission's policy of smoothing the transition to digital television, particularly in underserved areas such as Osage Beach, Missouri. Koplar remains committed to constructing the facilities proposed herein according to the timeframe authorized in the Construction Permit.

Respectfully submitted,

KOPLAR COMMUNICATIONS INTERNATIONAL, INC.



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December 3, 2007

*Submitted via ECFS*

# 4973083\_v1

***CARL T. JONES***  
***CORPORATION***

**STATEMENT OF JOHN E. HIDLE, P.E.  
IN SUPPORT OF COMMENTS OF  
KOPLAR COMMUNICATIONS INTERNATIONAL, INC.  
In the Matter of Advanced Television Systems and  
their Impact Upon the Existing  
Television Broadcast Service  
MB Docket No. 87-268  
KRBK(TV) - OSAGE BEACH, MISSOURI  
CH. 49 - 500 kW - 463.0 m HAAT**

Prepared for: Koplar Communications International, Inc.

I am a Consulting Engineer, an employee in the firm of Carl T. Jones Corporation, with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission. I am a Professional Engineer in the Commonwealth of Virginia, Registration No. 7418, and in the State of New York, License No. 63418.

**GENERAL**

This office has been authorized by Koplar Communications International, Inc., permittee of KRBK(TV), channel 49, Osage Beach, Missouri, to prepare this statement, and the associated exhibits in support of comments. Koplar Communications International, Inc. holds construction permit BNPCT-20060421ACD, which was granted on August 11, 2006. The KRBK analog television facility authorized on channel 49 has no separate digital channel allotment, is considered a "singleton" and, as such, was allotted digital facilities in the new Post-Transition DTV Table of Allotments on its analog channel 49. The permittee herein proposes post-transition DTV facilities that are slightly different from those listed in the Post-Transition DTV Table of Allotments.

**PROPOSED POST-TRANSITION DTV FACILITIES**

The post-transition DTV facilities for KRBK-DT set forth in the new DTV Table of Allotments specify an Effective Radiated Power (ERP) of 204 kW and an Antenna Height Above Average Terrain (HAAT) of 463 meters at the analog construction permit site geographic coordinates. The Table also specifies a directional antenna, ID number 80245, which differs slightly from the directional antenna authorized in the construction permit, antenna ID number 72668. This difference appears to be a result of the Commission's DTV replication process.

The permittee proposes post-transition digital facilities on channel 49 that differ from the new post-transition DTV Table facilities in that the ERP is increased from 204 kW to 500 kW, and the geographic coordinates are changed from 37 49 10 N.L. - 92 44 52 W.L. to 37 42 26 N.L - 93 16 32 W.L. The directional antenna ID number, 80245, and the HAAT, 463 meters, are unchanged. See the table below showing proposed changes in **bold**.

166319	MO	OSAGE BEACH	49	49	204	463	80245	374910	924452	23362	524	0
166319	MO	OSAGE BEACH	49	49	<b>500</b>	463	80245	<b>374326</b>	<b>931632</b>	<b>27253</b>	<b>606</b>	0

Interference studies using the Commission's Longley-Rice methodology indicates that the proposed post-transition DTV facilities comply with the requirements of the rules and policies regarding interference protection to pre and post transition DTV facilities and existing analog facilities. The proposed DTV facilities cause no increase in interference exceeding 0.1% to the population of any relevant facility.

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**SUMMARY**

It is submitted that the instant proposal for modification of KRBK's post-transition DTV Table of Allotment facilities on channel 49 complies with the Rules, Regulations and Policies of the Federal Communications Commission. This statement was prepared by me or under my direct supervision and are believed to be true and correct to the best of my knowledge and belief.

DATED: December 3, 2007

  
John E. Hidle, P.E.

